



TO: Sen. Ted Kennedy and Rep. James Albis, Chairmen,  
And the Members of the Committee on the Environment

Testimony from Rivers Alliance of Connecticut  
Public Hearing, February 27, on

**SB 363 AAC REQUIRING DEEP TO CONDUCT A STUDY OF PRIVATE PROPERTY OWNERS' WATER RIGHTS. *Recommend a different approach***

**HB 5686 AAC THE APPROVAL OF LAND SWAPS. *Support with revisions.***

**HB 5709 AAC DEEP'S AUTHORITY TO DESIGNATE STORMWATER SEWER SYSTEMS OUTSIDE OF URBAN AREAS. *Oppose; recommendations offered.***

**SB 941 AAC DELAYING IMPLEMENTATION OF CERTAIN STANDARDS AND SAMPLING REQUIREMENTS UPON THE DETECTION OF POLLUTANTS CAUSING CONTAMINATION OF SOIL, GROUNDWATER OR PUBLIC OR PRIVATE DRINKING WATER WELLS. *Oppose.***

**HB 6047 AAC PROVIDING PROPER FUNDING FOR STATE HATCHERIES. *Support concept.***

**HB 6035 AAC LONG ISLAND SOUND RESOURCE AND USE INVENTORY AND A LONG ISLAND SOUND BLUE PLAN. *Support.***

**HB 6839 AAC A LONG ISLAND SOUND BLUE PLAN AND RESOURCE AND USE INVENTORY. *Support.***

*Rivers Alliance of Connecticut is a statewide non-profit organization, founded in 1992, as a coalition of river organizations, other conservation non-profits, individuals, and businesses working to protect and enhance Connecticut's rivers, streams, aquifers, lakes, and estuaries. We promote sound water policies and water stewardship through education and assistance at the local, regional, and state levels.*

We thank you for the opportunity to comment in this hearing.

**Bill 363 on private water rights, with particular attention to groundwater rights.** This is a problematic and complex area of water law. Connecticut has focused primarily on surface-water law, especially in the development of streamflow regulations, adopted in 2011. However, groundwater is as important to water supply and water health as surface water (both are part of a continuous system). Unfortunately, at the insistence of water companies and some legislators, DEEP was required to eliminate groundwater protections from the surface water regulations. But, at the time, a number of key legislators involved in the process pledged to take up the issue of groundwater as soon as possible. ASAP is evidently now.

Groundwater protection involves quantity and quality. Connecticut may have ample quantity, but this will not answer our needs if groundwater contamination continues at the pace of recent years. Both aspects (quantity and quality) arise in neighbor to neighbor disputes, as well as state to private owner disputes, and town to town disputes. Groundwater can be subject to draw-down and contamination from neighboring properties. The Water Planning Council just a few days ago noted that the state water plan that's in development should be fair to private well-owners as well as public suppliers.

The answers to questions on groundwater rights in current law are unsatisfactory to many interests. (I am not a lawyer, but Rivers Alliance did sponsor a conference on water law in 2005, and we serve as co-chair of the Water Planning Council Advisory Group.) We do not recommend a stand-alone assignment to DEEP on water law; the agency has a full agenda for the next couple of years. *It would be more logical to be sure that private groundwater is given appropriate attention in the state water plan.* The Committee might begin with a request to OLR or to the Water Planning Council; also, perhaps one or more of the state's law schools could address the issue for you. Once you have a picture of the outlines of the areas of conflict and the relevant law, you will be able to make focused requests for better water management.

**Bill 5686 on land swaps.** We thank Rep. Willis and the Committee for raising this issue. As a member of the state Natural Heritage, Open Space, and Watershed Lands Acquisitions Review Board and co-chair of the State Lands Working Group, we at Rivers Alliance have been working with a number of legislators to clarify good practices for state land swaps and other conveyances of state lands. We support the Connecticut Land Conservation Council's recommendations for friendly amendments to 5686. The purpose of the recommendations is to encompass all conveyances of conservation lands and to be sure that such conveyances are done transparently with notice and time to comment at the state and local levels. Transparency primarily involves a common-sense explanation of where the property is, what its present and projected use is, whether it is restricted in any way, and so forth. We have often discovered that with good information conflicts can be avoided or resolved. *Open space protects water quality, and this bill is a high priority for us.*

**Bill 5709 on stormwater sewer permits.** We are aware that many towns have raised loud objections to DEEP's new stormwater rules. But, as the testimony of Connecticut Fund for the Environment indicates, it is odd for a legislature to direct an administrative agency not to enforce an apparently valid permit. Moreover, stormwater is the leading polluter of the state's rivers and the Sound. I hope the Committee will play a constructive role in establishing good stormwater management. We would be pleased to assist, and have several suggestions, including bringing the DEEP Stormwater Manual up to date.

**Bill 941 on delaying implementation of monitoring and assessment of pollution of soil and water, including drinking water.** Why?? The two-year delay stipulated in this bill would come *after* a pollutant is detected. How can one justify continuing to expose families and wildlife to a pollutant that is known to be in their environment and possibly their drinking water. "Ignorance is bliss" is not an acceptable defense for failure to notify persons of impending risk.

**Bill 6047 on funding state hatcheries.** This bill seeks a way to support recreational fisheries

and, apparently, prudent recreational fishing. The bill appears to cover both salt-water and fresh-water fishing, but I am not sure that is the intention; and it might be too much of a stretch. The funding and the task force proposed could be used to enhance native fisheries and educate the public on aquatic ecology. But it also might be used to oppose needed standards and rules limiting fishing. It sets up a sort of public-private partnership for funding, which can be tricky in relation to fair and equal treatment of all parties involved (including the general public). We would be pleased to assist in this effort if the Committee decides to go forward with it.

**Bills 6035 and 6839. Blue plans for L. I. Sound.** These two bills were fully negotiated last year and are much needed. Restoring and preserving L. I. Sound is essential to a good future for Connecticut. Worldwide, we are losing our oceans and great seas and estuaries to contamination and warming. Let's save the Sound.

*Margaret Miner, Executive Director*  
*Litchfield, CT 06759*  
[rivers@riversalliance.org](mailto:rivers@riversalliance.org)  
860-361-9349